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An Act To Calculate the School Year by Number of Hours

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, this legislation may allow school administrative units to project significant savings; and

Whereas, in order to achieve those savings in the forthcoming school year, planning must begin well before the expiration of the 90-day period; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 20-A MRSA §4801, sub-§1, as amended by PL 2005, c. 662, Pt. A, §10, is further amended to read:

1. Number. A school administrative unit shall make provision for the maintenance of all of its schools for at least 180 days a year or for an equivalent amount of hours annually in accordance with rules adopted by the department. At least 175 days shall ~~or~~ the equivalent must be used for instruction. In meeting the requirement of a 180-day school year or the equivalent, no more than 5 days or the equivalent may be used for in-service education of teachers, administrative meetings, parent-teacher conferences, records' days and similar activities.

A. The commissioner may reduce or waive the minimum number of days or the equivalent required on application from a school board. The application must be supported in writing with a statement of the reasons for the request.

B. Notwithstanding any other section of the statutes, school committees, with the approval of the commissioner, may adopt or amend rules necessary to implement an extended school year at the local level. The commissioner may make appropriate adjustments, not to exceed the allowable subsidy, to insure fair and equitable treatment in the distribution of state aid.

C. Notwithstanding this subsection, the commissioner shall ~~promulgate~~ adopt a rule to provide that local school units may allow secondary school students to graduate up to 5 school days or the equivalent prior to the regular end of the school year.

D. A school administrative unit, operating under a plan approved by the commissioner, may provide for the use of up to 5 of the 175 instructional days or the equivalent required by this section to be used for screening incoming first year students for the purpose of identifying children with disabilities and students at risk of school failure as required by state or federal law.

E. Notwithstanding this subsection and any other provision of law, for school years 1991-92 and 1992-93, a school administrative unit may reduce the number of days for the maintenance of all its schools by 5 days a year. A school administrative unit that decides to reduce the number of school days for school year 1991-92 or 1992-93, or both, shall notify the commissioner in writing of its plan.

Sec. 2. 20-A MRSA §13507-A, sub-§2, as amended by PL 2007, c. 466, Pt. A, §39, is further amended to read:

2. Minimums. Notwithstanding any other provision of law, the State and the bargaining agent for state teachers in state-operated schools and related classifications shall at a minimum, in accordance with bargaining procedures set forth in Title 26, chapter 9-B, negotiate as to the impact of implementation of sections 13405 and 13406. The negotiations must be limited to salaries. Minimum salaries established by those negotiations must be based upon a 180-day school year or its equivalent annual hours authorized under section 4801, subsection 1 and must be proportionately higher for positions whose incumbents work for longer terms. Negotiations must establish pay schedules that enable the State to be competitive with local school administrative units in recruitment and retention with regard to teachers and related classifications. The term "teachers and related classifications" includes any classification in State Government that is a teaching classification, requires professional work in or around the classroom setting or is within the career ladder of the classifications by virtue of its relationship to educational supervision or programming.

Sec. 3. 20-A MRSA §15689, sub-§5, ¶B, as enacted by PL 2005, c. 2, Pt. D, §60 and affected by §§72 and 74 and c. 12, Pt. WW, §18, is amended to read:

B. The rate of reimbursement per student may not exceed the state average tuition rates in effect during the year of placement as computed under sections 5804 and 5805. The tuition rates must be computed based on the state average secondary tuition rate and may be adjusted if the program is approved to operate beyond the 180-day school year or its equivalent annual hours authorized under section 4801, subsection 1.

Sec. 4. Rules. The Department of Education shall adopt rules or amend its rules as is necessary to comply with the provisions of this Act. Rules adopted or amended pursuant to this section are routine technical rules as described in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

SUMMARY

This bill directs the Department of Education to provide by rule for a school calendar that is based upon a minimum annual number of hours that is equivalent to the current 180-day school calendar.